



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON DC 20370-5100

HD:hd

Docket No: 07792-98

31 May 2000

LCDR [REDACTED] USN

Dear Commander [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552. You requested removal of the original fitness report for 31 May to 31 October 1996 and its replacement with the supplemental report for the same period. You further requested removal of your failures of selection before the Fiscal Year (FY) 99 and 00 Staff Corps Commander Selection Boards.

It is noted that the Navy Personnel Command (NPC) has filed in your record the supplemental fitness report and the reporting senior's transmittal letter.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 25 May 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinions furnished by NPC dated 19 and 23 June 1999, copies of which are attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board substantially concurred with the advisory opinion dated 19 June 1999 in finding that the contested original fitness report for 31 May to 31 October 1996 should stand. They did not consider it appropriate for your reporting senior to raise your marks to make your own average compare more favorably with his cumulative average for officers of your grade.

The Board found your record before both the FY 99 and 00 Staff Corps Commander Selection Boards was correct and substantially complete, noting that you submitted to the FY 00 board the supplemental fitness report for 31 May to 31 October 1996 and the reports

for 1 November 1997 to 10 August 1998, 1 November 1997 to 31 October 1998 and 11 August 1998 to 31 March 1999. They further noted that the 16 October 1998 date of the supplemental report, as well as the ending dates of the periods of the three other reports, all were after the 9 March 1998 convening date of the FY 99 board, so your record before that board was complete without these reports. They further found that the addition of cumulative average data in light of these reports would not have appreciably enhanced your competitiveness for promotion.

In view of the above, your application for relief beyond that effected by NPC has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director

Enclosure



DEPARTMENT OF THE NAVY
NAVY PERSONNEL COMMAND
5720 INTEGRITY DRIVE
MILLINGTON TN 38055-0000

1610
PERS-311
19 June 1999

**MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF
NAVAL RECORDS**

Via: PERS/BCNR Coordinator (PERS-00XCB)

Subj: LCDR [REDACTED]

Ref: (a) BUPERSINST 1610.10, EVAL Manual

Encl: (1) BCNR File

1. Enclosure (1) is returned. The members requests the removal of his fitness report for the period 31 May 1996 to 31 October 1996 and replace it with a supplemental report for the same period.

2. Based on our review of the material provided, we find the following:

a. A review of the member's headquarters record revealed the report in question to be on file. It is signed by the member acknowledging the contents of the report and his right to submit a statement. The member did not desire to submit a statement. The supplemental report is not on file, however the member provided a copy with his petition.

b. The supplemental report changes block-29, Primary/collateral watchstanding duties, block-34, Equal Opportunity from 3.0 to 4.0, changes block-40, Career Milestones, block-41, Comments on Performance, block-42, Promotion Recommendation from Must Promote to Early Promote. Block-43 reveals the member is in a summary group by himself. The supplemental report was submitted in accordance with reference (a), and at the discretion of the reporting senior stating facts that were not known to him at the time of submission of the original report.

c. The petitioner claims that he was incorrectly compared with two other officers in the command. The member is in a summary group by himself.

d. The reporting senior has submitted and we have accepted and filed the revised report. The fact that the revision is a better report should have no bearing on whether the original is retained or removed. We provide reporting seniors with the facility to add material to fitness reports already on file, not replace them. Substitution of the revised report for the original report should only be approved in unusual circumstances. The original and revised reports are filed together with the letter of transmittal. They provide a complete picture of Lieutenant Commander

e. Neither the petitioner nor the reporting senior has justified replacement of the original fitness report with the supplemental report.

3. We recommend the member's record remain unchanged.

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Head, Performance
Evaluation Branch



DEPARTMENT OF THE NAVY

NAVY PERSONNEL COMMAND

5720 INTEGRITY DRIVE

MILLINGTON TN 38055-0000

7792-98

5420

Ser 85/126

23 Jun 99

MEMORANDUM FOR BCNR

Via: BUPERS/BCNR Coordinator

Subj: LCDR [REDACTED], CHC, USN, [REDACTED]

Ref: (a) PERS-311 memo of 19 Jun 99

Encl: (1) BCNR File

1. Enclosure (1) is returned, recommending disapproval of LCDR [REDACTED]'s request for removal of his failures of selections before the FY-99 and FY-00 Commander Chaplain Corps Promotion Selection Boards.

2. Retention of the original fitness report covering the period 31 May 1996 through 31 October 1996 and the replacement of that fitness report with a supplemental report for the same period has been addressed by reference (a).

3. LCDR [REDACTED] request for removal of his failures of selection can not be supported. The specific reason why LCDR [REDACTED] failed to select before these boards is not known. The impact of the fitness report in question is lessened by the short evaluative period covered by the report and the presence of subsequent reports from the same reporting senior. Even with the removal of the fitness report in question and replacement of the original report with the supplement, the competitiveness of his record when compared to the records of his peers does not significantly improve.

[REDACTED]
BCNR Liaison, Officer Promotions
and Enlisted Advancements Division